

Washington County Land Use Authority Meeting
February 22, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, February 22, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Doug Wilson, Kim Ford, Rick Jones, Debora Christopher and Julie Cropper. Also present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kim Hafen, Clerk/Auditor; Ron Whitehead, Public Works Director; Jim Eardley, County Commissioner; Alan Gardner, County Commissioner; and John C. Willie, Senior Planner.

Excused: Dave Everett

Absent: Joan Balen

Audience attendance: Robert R. Herpel, Molly Chapman, James Soltis, Dall Winn, Kendall Sullivan, Mike Madsen, Karl Sorenson and Mary Esther Putman

Chairman Mike Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

SPECIAL MEETING:

Item #1. STAFF COMMENTS. Review staff comments for each item listed below. Staff initiated.

Item #2 CONDITIONAL USE PERMIT EXTENSION. Request permission for Tour de St. George to be held on April 9, 2011. The route will loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. Spin Geeks, LLC/Red Rock Bicycle, applicant.

The Planner stated the Tour de St. George series has been running since 2005. The planning commission reviewed this item in 2005, 2006, 2009 and 2010. This is a 100-mile recreational bicycle ride known as the Century Ride, with approximately 300 - 400 riders. It is a one-day Tour de St. George Spring 2 event starting in St. George. There is also a 30-mile citizen ride and a 75-mile ride. They have taken care of all the community approvals. The route will impact some county roads and they will be doing a loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. There will be two sanitary facilities at each rest station. The County Sheriffs Department will need to be notified of this event and the County has previously been listed as a beneficiary on the liability insurance policy. There have been no complaints on this item. The commission may want to consider granting permanent status.

A short discussion on granting permanent status for the Tour de St. George occurred.

February 22, 2011 cont'd

Kendall Sullivan, representative, reported on the Tour de St. George, Spokes for Hope, and the Tour de Sol races. He explained what type of rides they are and how many years they have been going. He gave the dates the races would be held. He presented the routes to the Commission.

The planner advised that the other two rides were in connection with the Tour de St. George on earlier dates for youth participants.

There was some confusion about the individual tours, so the planning commission acted on the Tour de St. George only. The Tour del Sol and the Spokes for Hope will need to be advertised properly prior to commission action.

The senior planner noted that Gunlock residences in their General Plan survey has listed as one of their concerns the number of bike riders that come through the community 3 - 4 abreast. The County needs to consider improvements for a bike lane by marking the road; or signs could be posted to alert the riders of a single file zone.

Jim Soltis, a Pine Valley Resident, indicated the same problems along Hwy. 18, with bike riders 3 and 4 abreast. There needs to be more traffic control.

Mr. Kendall explained the rules state the riders are not allowed to ride 3 or more abreast and that they try to enforce the rules.

A lengthy discussion regarding the races, the bike riders riding 3 or more abreast, a bike lane and road widths took place.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit. Commissioner Ford seconded the motion, with all five (5) commissioners voting aye.

Item #3. PUBLIC HEARING. Open hearing for a plat amendment approval for Whispering Pines Subdivision Phase 1 Amended, generally located east of Terrace Drive Subdivision on Kolob Mountain. Karl Sorenson, petitioner.

The planner's summary directs the commission to open a public hearing on this item referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting.

Prior to the hearing, the chairman asked for a brief review of what the amended plat was about. The planner pointed to the vicinity map showing the location of the subdivision and explained the applicant has submitted an amended plat for Whispering Pines Subdivision Phase 1 Amended, reversing road status from private to public roads. The rest of the subdivision is to remain the same as shown of the original recorded plat.

February 22, 2011 cont'd

Chairman Stucki opened a public hearing at 2:20 p.m. The planner reviewed the information in conjunction with the item below.

Mike Madsen representative of Interstate Rock, the owners of the property, stated he had met with Commissioner Denny Drake and Ron Whitehead who indicated that these roads would be made public. Decisions were made at that time to proceed to build the roads to county standards, which involved a lot of money. If the roads were not to become public roads they could have been built differently. It is not practical to have an association to maintain the roads. They would like the roads to become public to eliminate the need for an association to take care of the roads. To hear that the roads would not become public is contrary to what they understood would happen. He reiterated they would like the roads to become public and the county to take the roads over.

Ron Whitehead, Public Works Director, stated Mr. Madsen had approached the County to make the roads public and was advised that he would need to change the plat indicating those changes. He noted that all roads whether private or public is required to be built to the same standards. Those requirements have been in effect for a number of years. When the roads were constructed, the developer was given the choice of the roads being either public or private; they chose private. Snow removal is an issue because the park service doesn't open the road until spring and then it is only partially opened. The County has an ordinance that does not allow heavy trucks on the main road until July. If the roads become public and there are people up there, they would want the roads maintained year round. There have been other issues with private roads. He concluded that it would not benefit the county to make the roads public due to maintenance and various other issues.

A very lengthy discussion regarding private versus public roads, construction standards, and road maintenance occurred.

Commissioner Eardley stated he could not recall a time when the Commission indicated they were anxious to take over those roads. They have been concerned with the area for all the reasons discussed. His major concern is accessibility along with the expectations and demands of those who live in the subdivision to keep that road continually open year round. The area is closed during the winter months. There are liabilities and concerns the Commission has if those roads are made public, it is not a position we want to put ourselves in.

With no further comments being offered, Chairman Stucki closed the Public hearing at 2:38 p.m.

Item #4. PLAT AMENDMENT. Consider plat amendment for Whispering Pines Subdivision Phase 1 Amended, reversing road status from private to public roads, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob Mountain. Karl Sorenson, petitioner.

Previously a redlined copy of the plat was given to the applicant by the county engineer for minor corrections and those changes have been made.

Fact/findings:

- **Existing road in question is a private road.**
- **The ordinance allows the Planning Commission to decide whether the road can be public or private.**
- **Roads do not have year round accessibility therefore maintenance becomes an issue whether public or private.**
- **Access to Kolob is gained through National Park, which closes in the winter and is only open July to November.**
- **The County Ordinance prohibits truck traffic during winter months.**
- **The road was built to county standards with some woody materials. Road was accepted as a private road (Commissioner Wilson abstained from voting on this item).**
- **County does have B&C road funds to cover maintenance. These funds are Earmarked for dedicated accepted and maintained roads.**

All commissioners voted to accept each finding above, with one exception noted.

Motion was made by Commissioner Ford to disapprove the amended plat for Whispering Pines Phase 1 based on findings. Commissioner Cropper seconded the motion, with all five (5) commissioners voting aye.

Item #5. PUBLIC HEARING. Open hearing for a plat amendment approval for Whispering Pines Subdivision Phase 2 Amended, generally located east of Terrace Drive Subdivision on Kolob Mountain. Karl Sorenson, petitioner.

The planner's summary directs the commission to open a public hearing on referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting.

Chairman Stucki opened a public hearing at 3:28 p.m. The planner reviewed the information in conjunction with the item below, stating the applicant has left the building. A public hearing was held and there were no objections. With no further comments being offered, Chairman Stucki closed the Public hearing at 3:29 p.m.

Item #6. PLAT AMENDMENT. Consider plat amendment for Whispering Pines Subdivision Phase 2 Amended, reversing road status from private to public roads, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob Mountain. Karl Sorenson, petitioner.

The planner showed the plat from the screen presentation.

Motion was made by Commissioner Ford to reject the amended plat for Whispering Pines Phase 2 from private to public roads based on findings noted in Item #4. Commissioner Cropper seconded the motion, with all five (5) commissioners voting aye.

Item #7. PUBLIC HEARING. Open hearing for a final plat approval for Whispering Pines Subdivision - Phase 3, 21 lots, located east and adjacent to Terrace Drive Subdivision on Kolob. Karl Sorenson, agent.

This item is in conjunction with Item 8 below.

The Chairman said he would accept a motion to table this request, whereas the applicant had left the meeting. Commissioner Christopher said, "So moved," and Commissioner Ford seconded the motion, with all five (5) commissioners voting aye.

Item #8. FINAL PLAT APPROVAL. Consider final plat approval for Whispering Pines Subdivision - Phase 3, 21 lots, containing approximately 32 + acres, NW , NE & SE 1/4, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob. Karl Sorensen, agent.

This item is in conjunction with Item 7 above.

The Chairman suggested that the change from private roads to public roads was significant enough that the applicant would need to come back in for preliminary approval.

WORK MEETING :

Item #9. DISCUSSION ITEM/CONDITIONAL USE PERMIT. Request permission for a single-family dwelling to be used as a family reunion center within the FR-13.5 zone in Pine Valley Ranches on Carter Dr. in Pine Valley. Bob Herpel, agent.

The Planner explained the owners of this home would like to operate some type of family reunion facility or corporate retreat, and they would personally utilize the residence for one month out of the year. The living quarters above the detached garage would be for the manager or family member/caretaker. This type of commercial use may not be in harmony with the type of conditional uses within the FR-13.5 zone. Bed and Breakfast is the only conditional use listed that may be comparable. Robert Beers with the Southwest Utah Public Health Department said that the existing septic is large enough to handle the types of uses suggested. There would have to be at least 1 parking space added for each bedroom available (eight bedrooms) and 2 spaces for manager/caretaker. Staff wanted the Planning Commission to review this as a discussion item prior to the applicant making the actual request for a Conditional Use Permit. The Building Official advised staff that if the structure is used for anything other than a residence, it would need to have a sprinkler system installed.

February 22, 2011 cont'd

Ron Whitehead, Public Works Director, said there should be a site plan showing parking and the culvert should be moved back to the edge of the right-of-way.

Bob Herpel, agent, stated he was representing the owners for a conditional use permit for this use. This will not be a commercial venture such as a bed and breakfast. This will have high standards and will be used in a group setting for family functions. There will be no renting of ATV's, horses, etc. The property will not be a nuisance or obnoxious. There are a number of improvements to the property are planned. He explained the home and property. He noted that the owners were advised that the property should not disrupt the Pine Valley area in any way.

A discussion regarding the use of the property ensued.

The Commission instructed Mr. Herpel to provide a preliminary site plan indicating parking, fire pit, and other items that will be on site when the item comes back before them.

James Soltis, Pine Valley resident, pointed out where his home is located. He expressed his concerns of the use of the property. He stated they plan to use this property as a commercial use for weddings and such. When they park cars, the lights from those cars will shine right into the adjacent property. When the truck comes up to fuel the home, the truck speeds along the road, which has happened three times during the last week.

Molly Chapman, speaking for Richard Wagoner, who was ill pointed out where he lives. She stated Mr. Wagoner's concerns regarding the use of the property are noise, parking, lights and the affect on the environment of the area.

Dall Winn, Special Service District representative, stated the Fire Chief was not able to attend the meeting but had some concerns regarding fire sprinkling of the building if it is a commercial use.

A discussion on the property acreage, concerns of the neighbors and the potential uses for the property occurred.

Item #10. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on February 15, 2011. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Robert Beers, Southwest Utah Public Health Department; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; Paul Wright, Department of Environmental Quality; and Becky Marchal, Questar Preconstruction Specialist.

CONDITIONAL USE PERMIT EXTENSION.

A. Review extension on a 2nd dwelling for a family member within the OST-20 zone, generally located 2 miles north of Veyo. David & Lyne Morgan, applicants and Larry Andrews, agent.

This is the 5th extension. The planner explained that previously the applicant met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. The property is accessed from Hwy 18 onto Veyo Rancho Rd., generally located north of Veyo and site plan meets all setback requirements. Robert Beers, Southwest Utah Public Health Department, indicated that the septic tanks has been installed and approved. No permit has been issued as yet. **Staff noted the initial work that went into applying for the conditional use should be enough to keep the permit active, although, since this is the 5th extension they would let the use expire.**

B. Review extension to construct a 2nd dwelling for a family member on 20 acres, within the OST-20 zone west of Enterprise. Jeff T. Jacobsen, applicant.

The Planner advised that this is the 4th extension and the applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality of water from a private well. Dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 20 acres. The property is accessed from Hwy 144 to the Old Hebron Road. The Building Official, Kurt Gardner, explained that the applicant was working on the sheet rock and progress was moving slowly. The Department of Building Safety extended the building permit for an additional six (6) months on December 8, 2010. There are approximately three inspections left prior to completion. **Staff indicated there should be no problem in granting an extension for the period of one (1) year.**

C. Request permission to build a 2nd dwelling for a family member within the OST-20 zone located on Oak Grove Drive north of Leeds. Gary Crocker, applicant and Gerald Whipple and Marty Friedel, agents.

The Planner advised that this is a 2nd extension review. The applicant previously submitted plans for a garage with living quarters, which would accommodate overflow when they had company. A site plan, verification on existing septic being sufficient to handle additional unit, and quantity and quality of water from a private well is adequate. There is an existing 12,500-gallon water tank with a 2-inch line to the main house and that line will be extended to the new unit. Second dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 74 acres. Building Inspector Henry Brannon inspected the home for a Final Occupancy on February 18th, 2010. The property is accessed from Silver Reef Road to 2205 Oak Grove Dr, generally

located north of Leeds. **Staff approved the Conditional Use Permit granting permanent status.**

D. Request permission to remodel a bonus room by adding a kitchenette (accessory dwelling) as a part of an existing home, within the RE-40.0 zone, located at 5760 N. 1850 West in Winchester Hills. Joe Schumacher, applicant, automatic annual review Final Occupancy 9/1/2110

This is an automatic annual review and the building official inspected the home for a Final Occupancy on October 12, 2010. As previously reviewed, the applicant requested a kitchenette in a theater room on a remodel and addition to an existing structure, which is located at 5760 N. 1850 West, in Winchester Hills. The applicant submitted a site plan and floor plan, showing the addition of the kitchenette. The septic permit is approved for the main dwelling and is adequate for the two baths added and the bonus room (accessory dwelling). Robert Beers, Southwest Utah Public Health Department indicated there would be no problem in adding the kitchenette. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **Staff approved the Conditional Use Permit granting permanent status.**

CONDITIONAL USE PERMIT:

A. Request permission to construct a single-family dwelling within the OST-20 zone generally located east of Hop Valley on Lower Kolob Terrace. Hank Landau, agent.

The Planner explained the applicant has met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. The property is accessed from Kolob Road, generally located east of Hop Valley. The site plan meets all setback requirements and single-family dwellings are conditionally approved within the OST-20 zone. This parcel was created prior to 1972 having grandfather status, containing 7+ acres, showing proof of deed. The engineer showed contours on the site plan and survey taking into consideration the Washington County Hillside Ordinance and slopes seemed to be less than 20%. The survey shows frontage asphalt is 22' in width, with a possible 100' width non-dedicated, non-improved prescriptive use. Applicant will be utilizing existing gravel access road into the property. Fire suppression will be looked at during the building permit phase, following the guidelines of the Wildlands Urban Interface Code. **The Conditional Use Permit was approved by Land Use Staff for the period of one (1) year.**

Item #11. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on February 15, 2011, beginning at 4:00 p.m.: (a) Conditional use extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located 1/4 mile east of the Washington County Landfill... Dee Atkins, landowner/Western Rock

February 22, 2011 (cont'd)

Products, applicant; (b) Conditional use extension on a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, March 5, 2011 sponsored by City of St. George Recreation... St. George City/Aaron Metler, applicant; (c) Conditional use extension for a charity event for New Harmony Fire Mud Run to be held on June 4th, 2011, races include a 10Km 5Km, or 1Km youth, located at the Old Highway 91 bridge in Kolob Mtn. Ranches Subdivision... Andrew Osborn, agent; (d) Ordinance amendment to the Washington County Land Use (Zoning) Ordinance, Title10, Chapter 23, Water Source Protection Areas...County initiated; and (e) Ordinance amendment to the Washington County Land Use (Zoning) Ordinance, Title10, Chapter 8, Article B, SFR Seasonal Forest Residential Zone...County initiated.

The Planner said the items listed above were approved by the County Commission as recommended by the Planning Commission.

Item #12. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

The Planner advised the commissioners of future meetings scheduled for one (1) per month being held on the 2nd Tuesday. Once the senior planner is ready for review on individual community plans this summer or the number of agenda items pick up, then we will return to the regular schedule.

Meeting adjourned at 4:20 pm.

Doreen Bowers-Irons, Planning Secretary